

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EZZIAL WILLIAMS,

Plaintiff,

-against-

DAVID FRYERMUTH,

Defendant.

23-CV-2156 (PMH)

VALENTIN ORDER

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is currently incarcerated at the Orange County Jail, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendant violated Plaintiff's rights. By order dated April 6, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹

DISCUSSION

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the Orange County Attorney to identify Defendant David Fryermuth, who Plaintiff asserts is a retired correction officer, and provide a service address for him. It is therefore ordered that the Orange County Attorney, who is the attorney for and agent of the Orange County Jail, must ascertain a service address for Defendant David Fryermuth. The Orange County Attorney must provide this information to the Court within sixty days of the date of this order.

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. See 28 U.S.C. § 1915(b)(1).

Upon receipt of the service address for Defendant Fryermuth, the Court will issue an order directing the Clerk of Court to (1) issue a summons for Defendant Fryermuth, (2) complete a USM-285 form with the service address for Fryermuth, and (3) deliver all documents necessary to effect service on Fryermuth to the U.S. Marshals Service.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order and the complaint to Orange County Attorney at: Orange County Government Center, 255 Main Street, Goshen, New York 10924.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: White Plains, New York
April 12, 2023



PHILIP M. HALPERN
United States District Judge